

## 1999 ASSEMBLY BILL 56

1     **AN ACT** *to amend* 194.17, 194.23 (1), 194.34 (1), 194.38 (5), 194.405, 194.41 (1)  
2             and 194.41 (6) (a) of the statutes; **relating to:** motor carriers and the  
3             single-state insurance registration system and providing a penalty.

---

*Analysis by the Legislative Reference Bureau*

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 194.17 of the statutes is amended to read:

5             **194.17 Penalties.** Every common motor carrier of property or of passengers,  
6             every contract motor carrier and every private motor carrier to which this chapter  
7             applies and every person who operates without obtaining a certificate under s.  
8             194.23 or license under s. 194.34, except a license for transporting exempt  
9             commodities, or without meeting the insurance requirements under s. 194.405 or  
10            194.41, shall forfeit not less than \$500 nor more than \$5,000. Any person who

**ASSEMBLY BILL 56****SECTION 1**

1 violates any other provisions of this chapter including the requirement to obtain a  
2 license to transport exempt commodities or the requirement to obtain a permit or  
3 who violates orders issued by the division of hearings and appeals or orders or rules  
4 issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each  
5 violation constitutes a separate offense. In construing and enforcing the provisions  
6 of this section, the act, omission or failure of any officer, agent or servant or other  
7 person acting for or employed by any common motor carrier of property or of  
8 passengers, any contract motor carrier or any private motor carrier, done within the  
9 scope of employment is deemed to be the act, omission, or failure of the common motor  
10 carrier of property or of passengers, contract motor carrier or private motor carrier.

11 **SECTION 2.** 194.23 (1) of the statutes is amended to read:

12 194.23 (1) No person may operate any motor vehicle as a common motor carrier  
13 ~~without first obtaining~~ unless the person first obtains a certificate and, if required  
14 under this chapter, a permit issued by the department, or unless the person is  
15 registered by another state under a single-state registration system consistent with  
16 the standards under 49 USC 14504, for the operation of the vehicle, except that no  
17 permit is required for the operation of a semitrailer. The department may issue or  
18 refuse to issue any certificate. The department may attach to the exercise of the  
19 privilege granted by a certificate any terms or conditions which are permitted under  
20 this chapter.

21 **SECTION 3.** 194.34 (1) of the statutes is amended to read:

22 194.34 (1) No person may operate any motor vehicle as a contract motor carrier  
23 ~~without first obtaining~~ unless the person first obtains a license and, if required under  
24 this chapter, a permit issued by the department, or unless the person is registered  
25 by another state under a single-state registration system consistent with the

**ASSEMBLY BILL 56**

1     standards under 49 USC 14504, for the operation of the motor vehicle, except that  
2     no permit is required for the operation of a semitrailer. The department may refuse  
3     to issue any license or may attach to the exercise of the privilege granted by a license  
4     any terms or conditions which are permitted under this chapter.

5             **SECTION 4.** 194.38 (5) of the statutes is amended to read:

6             194.38 (5) To act in accordance with 49 USC 11506 14504 by making any  
7     finding, determination and otherwise doing any other thing necessary to proceed  
8     under that statute. Nothing in this subsection shall permit the department to extend  
9     the length or weight of motor vehicles.

10            **SECTION 5.** 194.405 of the statutes is amended to read:

11            **194.405 Single-state insurance registration system.** The department  
12     may participate in and do all things necessary to implement and administer a  
13     single-state insurance registration system for motor carriers in accordance with 49  
14     USC 11506 14504. The annual fee required under this section for a motor vehicle  
15     that is operated in this state and which is subject to the single-state insurance  
16     registration system shall be \$5.

17            **SECTION 6.** 194.41 (1) of the statutes is amended to read:

18            194.41 (1) No permit or vehicle registration may be issued to a common motor  
19     carrier of property, contract motor carrier or rental company, no permit or vehicle  
20     registration may remain in force to operate any motor vehicle under the authority  
21     of this chapter and no vehicle registration may be issued or remain in force for a  
22     semitrailer unless the carrier or rental company has on file with the department and  
23     in effect an approved certificate for a policy of insurance or other written contract in  
24     such form and containing such terms and conditions as may be approved by the  
25     department issued by an insurer authorized to do a surety or automobile liability

**ASSEMBLY BILL 56****SECTION 6**

1 business in this state under which the insurer assumes the liability prescribed by  
2 this section with respect to the operation of such motor vehicles. The certificate or  
3 other contract is subject to the approval of the department and shall provide that the  
4 insurer shall be directly liable for and shall pay all damages for injuries to or for the  
5 death of persons or for injuries to or destruction of property that may be recovered  
6 against the owner or operator of any such motor vehicles by reason of the negligent  
7 operation thereof in such amount as the department may require. Liability may be  
8 restricted so as to be inapplicable to damage claims on account of injury to or  
9 destruction of property transported, but the department may require a certificate or  
10 other contract protecting the owner of the property transported by carriers from loss  
11 or damage in the amount and under the conditions as the department may require.  
12 No permit or vehicle registration may be issued to a common motor carrier of  
13 passengers by any motor vehicle, or other carrier of passengers by motor bus, except  
14 those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle  
15 registration may remain in force to operate any motor vehicle unless it has on file  
16 with the department a like certificate or other contract in the form and containing  
17 the terms and conditions as may be approved by the department for the payment of  
18 damages for injuries to property and injuries to or for the death of persons, including  
19 passengers, in the amounts as the department may require. This subsection does not  
20 apply to a motor carrier that is registered by another state under a single-state  
21 registration system consistent with the standards under 49 USC 14504.

22 **SECTION 7.** 194.41 (6) (a) of the statutes is amended to read:

# ASSEMBLY BILL 56

1           194.41 **(6)** (a) Except as provided under par. (b), the minimum insurance  
2       required under sub. (1) is the minimum level of insurance established under 49 USC  
3       ~~10927~~ 13906 (a) (1).

4 (END)